



REPUBLIC OF THE PHILIPPINES  
SUPREME COURT  
Manila

SECOND DIVISION

**NOTICE**

Sirs/Mesdames:

*Please take notice that the Court, Second Division, issued a Resolution dated **December 7, 2022** which reads as follows:*

**“A.C. No. 12447 [Formerly CBD Case No. 16-4959] (Marivic M. Alacar,<sup>1</sup> Misael M. Albuen, Dindo E. Comendador, Elorde O. Sion, and Renato U. Solayo, Complainants v. Attorney Socrates R. Rivera, Respondent).** — This Court **NOTES** the letter<sup>2</sup> dated July 22, 2022 of Executive Officer Jesus Jean D. Reyes, Mandatory Continuing Legal Education Office, informing this Court of the address of Attorney Socrates Rivera (*Atty. Rivera*) at 25-B Don Alejandro Roces Avenue, Quezon City.

This Court resolves the administrative complaint<sup>3</sup> filed by complainants Marivic M. Alacar, Misael M. Albuen, Dindo E. Comendador, Elorde O. Sion, and Renato U. Solayo (*Alacar et al.*) against respondent Atty. Rivera for dishonesty and violation of Canon 10 of the Code of Professional Responsibility.

**Facts**

New Global Bargain Center (*New Global*) was a tenant of Uniwide Coastal Mall (*Uniwide Mall*).<sup>4</sup> After some time, Manila Bay Development Corporation (*Manila Bay Development*) took over Uniwide Mall and evicted all its tenants, including New Global, from the premises. Alacar et al. were employees of New Global who lost their money and other valuables during the Manila Bay Development take-over of Uniwide Mall.<sup>5</sup>

New Global promised to help Alacar et al. recover their lost items.<sup>6</sup> To make good on its promise, New Global introduced Alacar et al. to Atty. Rivera.<sup>7</sup> In turn, Rivera briefly interviewed Alacar et al. to get their names and addresses. Then, Atty. Rivera assured them that he would take care of

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<sup>1</sup> Spelled as Alacar in some parts of the *rollo*, pp. 4, 9, 27, 30, 36, and 40.

<sup>2</sup> *Id.* at 86.

<sup>3</sup> *Id.* at 2-5.

<sup>4</sup> *Id.* at 50.

<sup>5</sup> *Id.*

<sup>6</sup> *Id.*

<sup>7</sup> *Id.*

the rest. This was the first and only instance that Alacar et al. spoke to Atty. Rivera.<sup>8</sup>

Later on, New Global summoned Alacar et al. and showed them a copy of their alleged complaints against Manila Bay Development and its officers. Alacar et al. were surprised to see the draft complaints and their respective signatures on its verification/certification of non-forum shopping since they did not authorize Atty. Rivera to file any case on their behalf.<sup>9</sup> As a result, Alacar et al. executed a *Sinumpaang Salaysay*<sup>10</sup> dated April 12, 2016 against Atty. Rivera for violation of his Lawyer's Oath and the Code of Professional Responsibility accusing him of dishonesty by forging their signatures on the complaints filed against Manila Bay Development.

When asked to comment, Atty. Rivera seasonably filed an Answer where he asseverated that: 1) he did not even once meet with Alacar et al. and talk to them regarding the filing of the case against Manila Bay Development and its officers;<sup>11</sup> 2) an employee of Mr. Jimmy Gow (*Mr. Gow*), the owner of Uniwide Mall, handed him 52 Affidavits, which included those of Alacar et al., and he used them to draft the complaints against Manila Bay Development and its officers; 3) the draft complaints were submitted to Mr. Gow for him to secure the signatures of Alacar et al., and 4) since it was Mr. Gow who has possession of the forged documents, he is presumed to be the forger.<sup>12</sup>

After the mandatory conference was concluded, Integrated Bar of the Philippines Commissioner Stephanie M. Cas-Refina (*Commissioner Cas-Refina*) issued a Report and Recommendation<sup>13</sup> dated October 24, 2017, which found that Atty. Rivera committed an act for which he should be disciplined as a member of the Bar. Commissioner Cas-Refina underscored Atty. Rivera's admission that Alacar et al. neither engaged his services, nor authorized cases to be filed on their behalf.<sup>14</sup> This notwithstanding, Atty. Rivera prepared their individual complaints and gave the finished drafts to a Mr. Gow, who used the same to file a case against Manila Bay Development and its officers, with Atty. Rivera signing each one of them as "Counsel for the Plaintiff."<sup>15</sup> Notably, Atty. Rivera admitted that he never met with Alacar et al. or talk to them regarding the filing of the case against Manila Bay Development and its officers.<sup>16</sup> In doing so, Atty. Rivera made a false

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<sup>8</sup> *Id.*

<sup>9</sup> *Id.*

<sup>10</sup> *Id.* at 2-5.

<sup>11</sup> *Id.* at 51.

<sup>12</sup> *Id.*

<sup>13</sup> *Id.* at 49-55.

<sup>14</sup> *Id.* at 55.

<sup>15</sup> *Id.* at 52-55.

<sup>16</sup> *Id.* at 52.

allegation in his pleadings,<sup>17</sup> which clearly violated Rule 10.01 of the Code of Professional Responsibility.<sup>18</sup> Commissioner Cas-Refina recommended that Atty. Rivera be suspended from the practice of law for a period of two years.<sup>19</sup>

In a Resolution<sup>20</sup> dated July 12, 2018, the Integrated Bar of the Philippines Board of Governors (*Board of Governors*) resolved to adopt the findings of fact and recommendation of the investigating commissioner. Nonetheless, the Board of Governors reduced the period of suspension from the practice of law imposed on Atty. Rivera from two years to six months.<sup>21</sup>

Essentially, the issue in this case is whether Atty. Rivera committed an act and/or omission constituting an offense for which he may be disciplined as a member of the Bar.

### **This Court's Ruling**

This Court adopts the findings of the Integrated Bar of the Philippines Investigating Commissioner as affirmed by the Board of Governors but modifies the recommended penalty on Atty. Rivera.

*Atty. Rivera is guilty of willfully appearing  
as counsel without authority*

At the threshold, it bears to stress that lawyers are officers of this Court.<sup>22</sup> As officers of this Court, they should act with fairness, honesty, and candor towards the courts and their clients.<sup>23</sup> Indeed, every lawyer “swears to uphold the law and court processes in the pursuit of justice.”<sup>24</sup> By reason of the nature of their role in the judicial system, every lawyer is expected to adhere to the following canons under the Code of Professional Responsibility:

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<sup>17</sup> *Id.* at 54.

<sup>18</sup> Rule 10.01 of the Code of Professional Responsibility provides:  
A lawyer shall not do any falsehood, nor consent to the doing of any in Court; nor shall be mislead or allow the Court to be mislead by any artifice.

<sup>19</sup> *Rollo*, p. 55.

<sup>20</sup> *Id.* at 47–48.

<sup>21</sup> *Id.* at 47.

<sup>22</sup> *Atty. Pedro Aguirre v. Atty. Crispin Reyes*, A.C. No. 4355, January 8, 2020, [Per J. Lazaro-Javier, First Division] p. 7. This pinpoint citation refers to the copy of this Decision uploaded to the Supreme Court website.

<sup>23</sup> *Villahermosa, Sr. v. Caracol*, 751 Phil. 1, 9 (2015) (Resolution) [Per J. Villarama, Jr., Third Division].

<sup>24</sup> *Id.*

CANON 8 — A LAWYER SHALL CONDUCT HIMSELF WITH COURTESY, FAIRNESS AND CANDOR TOWARDS HIS PROFESSIONAL COLLEAGUES . . .

....

CANON 10 — A LAWYER OWES CANDOR, FAIRNESS AND GOOD FAITH TO THE COURT.

Rule 10.01. A lawyer shall not do any falsehood, nor consent to the doing of any in Court; nor shall he mislead, or allow the Court to be misled by any artifice.

....

CANON 19 — A LAWYER SHALL REPRESENT HIS CLIENT WITH ZEAL WITHIN THE BOUNDS OF THE LAW.

One of the aspects where an attorney owes the Court candor is his or her authority to appear as counsel. In this regard, Section 21, Rule 138 of the Rules of Court provides that as a rule, an attorney is presumed to be properly authorized to represent any cause in which he or she appears. "A lawyer is not even required to present a written authorization from the client."<sup>25</sup> Be that as it may, "[l]awyers must be mindful that an attorney has no power to act as counsel for a person without being retained nor may he [or she] appear in court without being employed unless by leave of court."<sup>26</sup> Otherwise, his or her appearance will be met with disciplinary sanctions.<sup>27</sup> As a matter of fact, Section 21, Rule 138 of the Rules of Court considers the unauthorized appearance of an attorney without leave of court as a form of misbehavior in his or her official transaction, for which he or she may be cited for contempt as an officer of the court, thus:

SECTION 21. Authority of attorney to appear. — An attorney is presumed to be properly authorized to represent any cause in which he appears, and no written power of attorney is required to authorize him to appear in court for his client, but the presiding judge may, on motion of either party and on reasonable grounds therefor being shown, require any attorney who assumes the right to appear in a case to produce or prove the authority under which he appears, and to disclose, whenever pertinent to any issue, the name of the person who employed him, and may there upon make such order as justice requires. An attorney willfully appearing in court for a person without being employed, unless by leave of the court, may be punished for contempt as an officer of the court who has misbehaved in his official transactions.

Relatedly, Section 27, Rule 138 of the Rules of Court provides that a lawyer may be disbarred or suspended for corruptly or willfully appearing as an attorney for a party to a case without authority to do so, thus:

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<sup>25</sup> *Supra* note 23, at 7.

<sup>26</sup> *Id.*

<sup>27</sup> *Id.*

SECTION 27. Disbarment or suspension of attorneys by Supreme Court; grounds therefor. — A member of the bar may be disbarred or suspended from his office as attorney by the Supreme Court for any deceit, malpractice, or other gross misconduct in such office, grossly immoral conduct, or by reason of his conviction of a crime involving moral turpitude, or for any violation of the oath which he is required to take before admission to practice, or for a willful disobedience of any lawful order of a superior court, or for corruptly or willfully appearing as an attorney for a party to a case without authority so to do. The practice of soliciting cases at law for the purpose of gain, either personally or through paid agents or brokers, constitutes malpractice.

In *Villahermosa, Sr. v. Caracol*,<sup>28</sup> this Court suspended the respondent lawyer from the practice of law for one year since he had been less than candid about his representation when he failed to inform the court of his client's demise and even filed a motion on her behalf, without presenting authority that he was retained by the client's successors-in-interest.<sup>29</sup> In the said case, this Court belabored thus:

Lawyers must be mindful that an attorney has no power to act as counsel for a person without being retained nor may he [or she] appear in court without being employed unless by leave of court. If an attorney appears on a client's behalf without a retainer or the requisite authority[,] neither the litigant whom he [or she] purports to represent nor the adverse party may be bound or affected by his [or her] appearance unless the purported client ratifies or is estopped to deny his [or her] assumed authority. If a lawyer corruptly or willfully appears as an attorney for a party to a case without authority, he may be disciplined or punished for contempt as an officer of the court who has misbehaved in his official transaction.<sup>30</sup> (Citations omitted)

In the same vein, this Court in *Vargas v. Atty. Ignes*,<sup>31</sup> imposed disciplinary sanctions on the lawyers therein who willfully appeared as counsels and filed pleadings on behalf of a government owned and controlled corporation without a valid authority from the office of the government corporate counsel.

Guided by the foregoing pronouncements, this Court finds that Atty. Rivera, willfully appeared as counsel for Alacar et al. without authority.<sup>32</sup> It is well to note that Atty. Rivera signed each one of the five draft complaints as "Counsel for the Plaintiff."<sup>33</sup> The verification/certification of non-forum shopping allegedly signed by the Alacar et al. states, among others, that they

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<sup>28</sup> *Supra* note 23.

<sup>29</sup> *Id.* at 8.

<sup>30</sup> *Id.* at 7.

<sup>31</sup> 637 Phil. 1 (2010) [Per J. Villarama, Jr., Third Division].

<sup>32</sup> *Rollo*, pp. 52–53.

<sup>33</sup> *Id.* at 52.

caused the preparation of the complaint with the assistance of their lawyer and that the same was based on their personal knowledge.<sup>34</sup> However, as aptly pointed out by the Integrated Bar of the Philippines Commissioner, Atty. Rivera admitted that he did not even meet with any one of Alacar et al. (i) to confirm whether they were engaging his services as counsel; (ii) to verify whether they really intended to file cases against Manila Bay Development and its officers; and to (iii) to ascertain the veracity of the allegations in their respective affidavits.<sup>35</sup> This notwithstanding, Atty. Rivera still proceeded to draft the complaints on the basis of these unverified affidavits.<sup>36</sup> Worse, he submitted all the affidavits and draft complaints to Mr. Gow, for him to secure the signatures of the complainants therein.<sup>37</sup> In doing so, Atty. Rivera willfully appeared as an attorney for a party without authority, a form of misbehavior, for which he may be disciplined as a member of the Bar.

*This Court finds it proper to impose upon  
Atty. Rivera the penalty of one year  
suspension from the practice of law*

The determination of the appropriate penalty to be imposed on an errant lawyer entails an exercise of sound judicial discretion depending on the surrounding facts.<sup>38</sup>

To recall, in *Villahermosa Sr.*, this Court suspended the respondent lawyer from the practice of law for one year for willfully appearing as counsel without authority. In the same vein, in *Tiburdo v. Atty. Puno*,<sup>39</sup> this Court imposed a harsher penalty on a respondent lawyer who was already suspended from the practice of law for one year for misrepresenting himself to the courts that he had authority to appear on behalf of the complainant, when he did not possess such authority.

It is well to note that Atty. Rivera was in bad faith at the onset since he admitted that Alacar et al. neither engaged his service, nor authorized cases to be filed on their behalf.<sup>40</sup> Considering this circumstance, this Court finds it prudent to suspend him from the practice of law for one year for representing party litigants without authority. To the mind of this Court, the said penalty should suffice to warn him and other members of the Bar to be

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<sup>34</sup> *Id.*

<sup>35</sup> *Id.* at 53.

<sup>36</sup> *Id.*

<sup>37</sup> *Id.*

<sup>38</sup> *Tiburdo v. Atty. Puno*, 784 Phil. 623, 635 (2016) [Per J. Carpio, Second Division].

<sup>39</sup> *Id.*

<sup>40</sup> *Rollo*, p. 55.

more circumspect and conscientious in the practice of their profession.<sup>41</sup> Let it be stressed that a repetition of any similar act shall merit a heavier penalty.

**FOR THESE REASONS**, Attorney Socrates R. Rivera is **GUILTY** for willfully appearing as attorney for a party to a case without authority. Accordingly, he is **SUSPENDED** from the practice of law for **ONE YEAR** from notice of this Resolution. He is **STERNLY WARNED** that a repetition of the same or similar acts in the future shall be dealt with more severely.

Attorney Socrates R. Rivera is directed to file a Manifestation to the Court that his suspension has started, copy furnished all courts and quasi-judicial bodies where he has entered his appearance as counsel.

Let copies of this Resolution be furnished to the Office of the Bar Confidant to be appended to Attorney Socrates R. Rivera's personal record as attorney; the Integrated Bar of the Philippines for its information and guidance; and the Office of the Court Administrator for circulation to all courts in the country.

**SO ORDERED."**

By authority of the Court:

TERESITA AQUINO TUAZON  
Division Clerk of Court

By:



MA. CONSOLACION GAMINDE-CRUZADA  
Deputy Division Clerk of Court <sup>mm</sup><sub>8/10</sub>  
10 AUG 2023

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<sup>41</sup> *Spouses Mariano v. Abrajano*, A.C. No. 12690, April 26, 2021 [Per J. Perlas-Bernabe, Second Division] p. 7. This pinpoint citation refers to the copy of this Decision uploaded to the Supreme Court website.

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